

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s) | : Winterer <i>et al.</i> | Examiner | : LIU, CHIA-YI |
| Serial No. | : 10/757,317 | Confirmation No. | : 3521 |
| Filed | : January 14, 2004 | Group Art Unit | : 3695 |
| For | : FINANCIAL TRANSACTION CARD WITH AUTOMATIC PAYMENT FEATURE | | |

INFORMATION DISCLOSURE STATEMENT

FILED VIA EFS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith are patents and/or publications for consideration by the Patent and Trademark Office in regard to the invention claimed in the above-identified application. In compliance with 37 C.F.R. §1.56, such documents are listed on the enclosed Form PTO-1449.

This Information Disclosure Statement is submitted according to the following selected paragraph(s):

- ☐ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b) (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d); (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.
- ☒ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c) prior to either a final action or a notice of allowance. Payment for the fee required by 37 C.F.R. §1.17(p) is hereby authorized to be charged to Deposit Account No. 02-4377.

- ☐ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c), with a statement under, 37 C.F.R. §1.97(e) prior to either a final action or a notice of allowance. The undersigned hereby states that (check one):

- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(d), with a statement under 37 C.F.R. §1.97(e), after a final action or a notice of allowance but prior to payment of the issue fee. Payment for the fee required by 37 C.F.R. §1.17(p) is hereby authorized to be charged to Deposit Account No. 02-4377. The undersigned hereby petitions that this Information Disclosure Statement be considered prior to issuance of the patent. The undersigned hereby states that (check one):

- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ The references listed on the accompanying PTO-1449 were either cited by the Examiner or previously submitted in parent application U.S. Serial No. _____, filed _____ . Pursuant to 37 C.F.R. § 1.98(d), the references are not required if the earlier application is identified and relied upon for an effective filing date under 35 U.S.C. § 120 and therefore are not enclosed herewith.

Co-Pending Application Disclosure

- ☒ Applicants would like to bring to the attention of the Examiner the following patent applications, which are also listed on the accompanying PTO-1449:

| Serial No. | Filing Date |
|--|-------------------|
| 09/144,287 (issued as U.S. Pat. No. 6,315,193) | August 31, 1998 |
| 09/842,522 (issued as U.S. Pat. No. 6,793,131) | April 25, 2001 |
| 10/914,766 (published as US 2005/0209962) | August 9, 2004 |
| 11/560,212 (published as U.S. 2007/0250442) | November 15, 2006 |
| 12/437,323 | May 7, 2009 |

Disclosure of Office Actions and Responses in Co-Pending Applications

- ☒ Applicants would like to bring to the attention of the Examiner the following Office Actions issued in the patent applications and Responses to Office Actions filed in such applications, which are also listed on the accompanying PTO-1449:

| Serial No. | Date of Office Action or Response |
|------------|--|
| 09/144,287 | Final Rejection mailed on May 9, 2000 |
| 09/144,287 | Amendment after Final Rejection received on October 10, 2000 |
| 09/144,287 | Final Rejection mailed on January 25, 2001 |
| 09/144,287 | Amendment after Final Rejection received on April 27, 2001 |
| 09/144,287 | Notice of Allowance mailed on May 16, 2001 |
| 09/842,522 | Non-final Rejection mailed on May 8, 2003 |
| 09/842,522 | Amendment after Non-final Rejection filed on August 8, 2003 |
| 09/842,522 | Final Rejection mailed on November 4, 2003 |
| 09/842,522 | Amendment after Final Rejection filed on April 4, 2004 |

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| 09/842,522 | Notice of Allowance mailed on May 10, 2004 |
| 10/914,766 | Non-final Rejection mailed on October 4, 2007 |
| 10/914,766 | Amendment after Non-final Rejection filed on April 4, 2008 |
| 10/914,766 | Final Rejection mailed on July 9, 2008 |
| 10/914,766 | Notice of Appeal filed on January 9, 2009 |
| 10/914,766 | Amendment after Final Rejection and Request for Continue Examination (RCE) filed on March 9, 2009 |
| 10/914,766 | Non-final Rejection mailed on May 20, 2009 |
| 10/914,766 | Amendment after Non-final Rejection filed on November 20, 2009 |
| 10/914,766 | Final Rejection mailed on February 22, 2010 |
| 11/560,212 | Non-final Rejection mailed on December 16, 2008 |
| 11/560,212 | Amendment after Non-final Rejection filed on June 11, 2009 |
| 11/560,212 | Final Rejection mailed on October 9, 2009 |

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

Applicants believe no additional fee is due in connection with this submission. However, if any additional fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment to our Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.



Robert L. Maier
Patent Office Reg. No. 54,291

February 25, 2010
Date

30 Rockefeller Plaza
45th Floor
New York, NY 10012-4498
Attorney for Applicant(s)
212-408-2500